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Examiner: **Dwayne C. Jones**  
U.S.P.T.O. Group Art Unit: **1614**  
Telecopier No.: **(571) 273-8300**  
U.S. Serial No.: **10/761,096**  
Client/Matter No.: **ORTU-0007**  
Sender's Name: **Deb Wilkinson for Joseph Lucci, Esq.**  
Pages to Follow: **4**

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Attached hereto is/are the following documents:

- 1) Executed Supplemental Reissue Declaration.

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DOCKET NO.: ORTU-0007

SEP 21 2005

PATENT  
REISSUE LITIGATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Robert B. Raffa and Jeffrey L. Vaught

Confirmation No.: 2441

Application No.: 10/761,096

Group Art Unit: 1614

Filing Date: January 20, 2004

Examiner: Jones, Dwayne C.

For: Compositions Comprising a Tramadol Material and Acetaminophen and Its Use

CERTIFICATE OF FACSIMILE TRANSMISSION

DATE: September 21, 2005

I HEREBY CERTIFY THAT THIS PAPER IS BEING  
FACSIMILE TRANSMITTED TO THE PATENT AND  
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273-8300 ON THE DATE LISTED ABOVE.

  
\_\_\_\_\_  
Joseph Lucca, Reg. No. 33,307

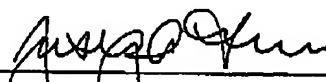
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL OF SUPPLEMENTAL REISSUE DECLARATION

Transmitted herewith is an executed Supplemental Reissue Declaration in connection with the above-identified reissue patent application.

If any fee is required, please charge Deposit Account No. 23-3050. A duplicate of this transmittal is attached.

Date: September 21, 2005

  
\_\_\_\_\_  
Joseph Lucca  
Registration No. 33,307

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One Liberty Place - 46th Floor  
Philadelphia PA 19103  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUPPLEMENTAL REISSUE DECLARATION

A. ☐ Declaration by Inventor(s):

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and I verily believe that I am the original, first and sole inventor of the subject matter that is claimed in letters patent number \_\_\_\_\_, granted on \_\_\_\_\_ and in the specification filed on \_\_\_\_\_ and for which invention I solicit a reissue patent;

B. ☒ Declaration by Assignee:

Note: The assignee of the entire interest may make the declaration if the reissue application does not seek to enlarge the scope of the claims of the original patent, 37 C.F.R. §1.172.

I, Bernard Plantz, of Ortho-McNeil Pharmaceutical, Inc. declare that I am a citizen of the United States and resident of Holland, PA, that the entire title to letters patent number 5,336,691 for Composition Comprising a Tramadol Material and Acetaminophen and Its Use, granted on August 9, 1994 to McNeilab, Inc. is vested in Ortho-McNeil Pharmaceutical, Inc., that I believe said named inventors to be original inventors of the subject matter that is described and claimed in the aforesaid letters patent and in the specification filed on January 20, 2004 as reissue application number 10/761,096 and amended on January 20, 2004 and June 29, 2005 and for which invention a reissue patent is solicited.

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- 2 -

**PATENT  
REISSUE LITIGATION**

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above identified amended specification, including the claims.

I acknowledge the duty to disclose all information known to be material to the patentability of this application in accordance with 37 C.F.R. § 1.56.

☐ In compliance with this duty attached herewith is an Information Disclosure Statement in accordance with 37 C.F.R. § 1.97.

**STATEMENT AS TO ADDITIONAL ERRORS UNDER 37 C.F.R. §1.175(b)(1)**

In accordance with 37 C.F.R. 1.175(b)(1), applicant states that all errors being corrected in this reissue application which are not covered by the original reissue declaration in said application arose without deceptive intention on the part of the applicant.

Note: The PTO commentary as to the revision of Rule 175 states: "a supplemental oath can now be filed prior to allowance that generally states that all errors being corrected, which were not covered by the original or a previously submitted oath, arose without deceptive intent."

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<b>Name:</b> <b>Robert B. Raffa</b>	<p style="text-align: center;"><b>Signature</b></p>   <p><b>Date of Signature:</b></p>  <p><b>Citizenship:</b> <u>United States of America</u></p>
<b>Mailing Address:</b> <b>4 Pacer Lane</b> <b>Norristown, PA</b>	
<b>City/State of Actual Residence:</b> <b>Norristown, PA</b>	

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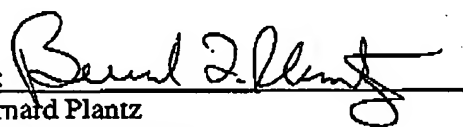
- 3 -

**PATENT  
REISSUE LITIGATION**

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<b>Name:</b> Jeffrey L. Vaught	<p style="text-align: center;">Signature</p> <p>Date of Signature:</p> <p>Citizenship: <u>United States of America</u></p>
<b>Mailing Address:</b> 206 Kathleen Way Glenmoore, PA 19343	
<b>City/State of Actual Residence:</b> Glenmoore, PA	

**Ortho-McNeil Pharmaceutical, Inc.**

By:   
 Bernard Plantz  
 Assistant Secretary  
 9/21/2005